

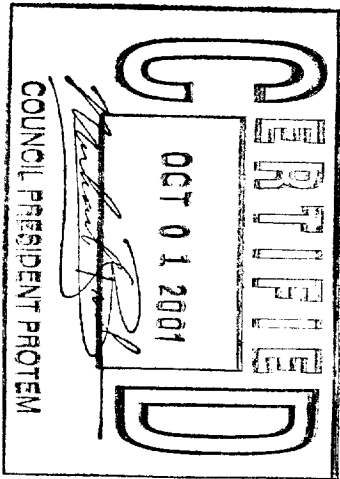
Entered - 3-22-00- sb
CL 00L0175 - ALEXIS HOLMES

01-R-1543

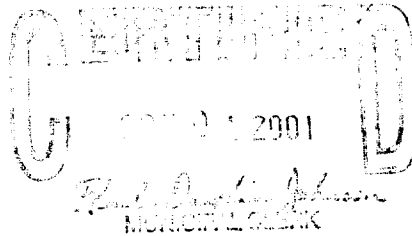
CLAIM OF: **WILLIE L. DOMINECK**
736 Bernice Street, SW
Atlanta, Georgia 30310

For damages sustained as a result of tree falling onto his property on
January 23, 2000 at 736 Bernice Street, SW.

THIS ADVERSE REPORT IS APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Robert N. Ch... JDCA



APPROVED OCT 01 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 25 2001

✓ CHAIR: Clara Hineslow

Sherry Dasey



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

October 3, 2001

Willie L. Domineck
736 Bernice Street, SW
Atlanta, Georgia 30310

01-R-1543

Dear Mr. Domineck:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 1, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0175

Date: 9/13/01

Claimant /Victim WILLIE L. DOMINECK

BY: (Atty) _____

Address: 736 Bernice Street, SW Atlanta, Georgia 30310

Subrogation: _____ Claim for Property damage \$ 11,970.00 Bodily Injury \$ _____

Date of Notice: 3/3/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/23/00 Place: 736 Bernice Street

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damages when a tree laden with ice from a storm fell on the claimant's house, and caused extensive damage. The City had no notice of any problems with the tree prior to the incident involving the claimant. The City has immunity from liability as set forth in O.C.G.A. § 36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

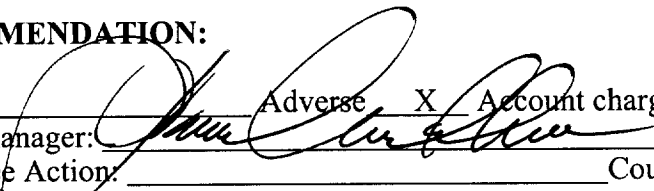
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09-13-01

Committee Action: _____ Council Action _____

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

10/01/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1570
2. 01-O-1571
3. 01-O-1354
4. 01-O-1488
5. 01-O-1335
6. 01-O-1336
7. 01-O-1337
8. 01-O-1342
9. 01-O-1343
10. 01-O-1344
11. 01-O-1345
12. 01-O-1346
13. 01-O-1119
14. 01-O-1351
15. 01-O-1572
16. 01-R-1588
17. 01-R-1273
18. 01-R-1276
19. 01-R-1428
20. 01-R-1456
21. 01-R-1471
22. 01-R-1499
23. 01-R-1580
24. 01-R-1581
25. 01-R-0921
26. 01-R-1561
27. 01-R-1584
28. 01-R-1521
29. 01-R-1522
30. 01-R-1523
31. 01-R-1524
32. 01-R-1525
33. 01-R-1526
34. 01-R-1527
35. 01-R-1528
36. 01-R-1545
37. 01-R-1546
38. 01-R-1547

**ITEMS ADVERSE
ON CONSENT AGENDA**

39. 01-R-1529
 40. 01-R-1530
 41. 01-R-1531
 42. 01-R-1532
 43. 01-R-1533
 44. 01-R-1534
 45. 01-R-1535
 46. 01-R-1536
 47. 01-R-1537
 48. 01-R-1538
 49. 01-R-1539
 50. 01-R-1540
 51. 01-R-1541
 52. 01-R-1542
 53. 01-R-1543
 54. 01-R-1544
 55. 01-R-1548
 56. 01-R-1549
 57. 01-R-1550
 58. 01-R-1551
 59. 01-R-1552
 60. 01-R-1553
 61. 01-R-1554
 62. 01-R-1555
 63. 01-R-1556
 64. 01-R-1557
 65. 01-R-1558
 66. 01-R-1559
 67. 01-R-1560
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